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7 **UNITED STATES DISTRICT COURT**
8 **EASTERN DISTRICT OF CALIFORNIA**
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10 BEVERLY ALLEN, individually, and on) Case No.: 1:20-cv-00530-NONE-JLT
11 behalf of the class,)
12 Plaintiff,) SCHEDULING ORDER (Fed. R. Civ. P. 16)
13 v.)
14 PROTECTIVE LIFE INSURANCE) Discovery Deadlines:
15 COMPANY, a Tennessee Corporation, et al.,) Non-Expert (Class Issues): 9/29/2023
16 Defendants.) Mid-Discovery Status Conference:
17) 4/28/2022 at 8:30 a.m.
18)
19) Class Certification Motion Deadlines¹:
20) Filing: 4/7/2023
21) Opposition: 6/9/2023
22) Reply brief: 7/11/2023
23) Hearing: 8/17/2023 at 10:00 a.m.
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1 **I. Discovery Plan and Cut-Off Date**

2 Discovery is now open for all non-expert discovery pertaining to the class certification motion
3 and to the merits, to the extent it overlaps with the class issues. All non-expert discovery related to the
4 motion for class certification **SHALL** be completed no later than **September 29, 2023**. Both sides may
5 conduct discovery as to the evidence relied upon in support of the motion and in opposition to the
6 motion for class certification.

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1 The Court will set a further scheduling conference after the motion for class certification is determined.

1 The Court sets a mid-discovery status conference on **April 28, 2022**, at 8:30 a.m. at 510 19th
2 Street, Bakersfield, California. Counsel **SHALL** file a Joint Mid-Discovery Status Conference
3 Report one week prior to the conference, and shall also lodge it via e-mail, in Word format, to
4 JLTorders@caed.uscourts.gov. The joint statement **SHALL** outline the status of the matter,
5 including all discovery that has been completed as well as any impediments to completing the
6 discovery within the deadlines set forth in this order. **Counsel SHALL discuss settlement and**
7 **certify that they have done so.** Counsel may appear via teleconference by dialing (888) 557-8511
8 and entering Access Code 1652736, provided the Magistrate Judge's Courtroom Deputy Clerk
9 receives a written notice of the intent to appear telephonically no later than five court days before the
10 noticed hearing date.

11 **II. Pre-Trial Motion Schedule**

12 Non-dispositive motions are heard before the Honorable Jennifer L. Thurston, United States
13 Magistrate Judge, at the United States Courthouse in Bakersfield, California. For these hearings,
14 counsel may appear via teleconference by dialing (888) 557-8511 and entering Access Code
15 1652736, provided the Magistrate Judge's Courtroom Deputy Clerk receives a written notice of the
16 intent to appear telephonically no later than five court days before the noticed hearing date.

17 **No motion to amend or stipulation to amend the case schedule will be entertained unless**
18 **it is filed at least one week before the first deadline the parties wish to extend.** Likewise, no
19 written discovery motions shall be filed without the prior approval of the assigned Magistrate
20 Judge. A party with a discovery dispute must first confer with the opposing party in a good faith
21 effort to resolve by agreement the issues in dispute. If that good faith effort is unsuccessful, the
22 moving party promptly shall seek a telephonic hearing with all involved parties and the Magistrate
23 Judge. It shall be the obligation of the moving party to arrange and originate the conference call to
24 the court. To schedule this telephonic hearing, the parties are ordered to contact the Courtroom
25 Deputy Clerk, Susan Hall, at (661) 326-6620 or via email at SHall@caed.uscourts.gov. At least three
26 days before the conference, counsel SHALL file informal letter briefs detailing their positions. The
27 briefs may not exceed 7 pages, excluding exhibits. **Counsel must comply with Local Rule 251 with**
28 **respect to discovery disputes or the motion will be denied without prejudice and dropped from**

1 **the Court's calendar.**

2 In scheduling such motions, the Magistrate Judge may grant applications for an order
3 shortening time pursuant to Local Rule 144(e). However, if counsel does not obtain an order
4 shortening time, the notice of motion *must* comply with Local Rule 251.

5 **III. Motions for Summary Judgment or Summary Adjudication**

6 **At least 21 days before** filing a motion for summary judgment or motion for summary
7 adjudication, the parties are **ORDERED** to meet, in person or by telephone, to confer about the issues
8 to be raised in the motion.

9 The purpose of the meeting shall be to: 1) avoid filing motions for summary judgment where a
10 question of fact exists; 2) determine whether the respondent agrees that the motion has merit in whole
11 or in part; 3) discuss whether issues can be resolved without the necessity of briefing; 4) narrow the
12 issues for review by the court; 5) explore the possibility of settlement before the parties incur the
13 expense of briefing a motion; and 6) to develop a joint statement of undisputed facts.

14 The moving party **SHALL** initiate the meeting and **SHALL** provide a complete, proposed
15 statement of undisputed facts **at least five days before** the conference. The finalized joint statement of
16 undisputed facts **SHALL** include all facts that the parties agree, for purposes of the motion, may be
17 deemed true. In addition to the requirements of Local Rule 260, the moving party shall file the joint
18 statement of undisputed facts.

19 In the notice of motion the moving party **SHALL** certify that the parties have met and conferred
20 as ordered above, or set forth a statement of good cause for the failure to meet and confer. **Failure to**
21 **comply may result in the motion being stricken.**

22 **IV. Motion for class certification**

23 The motion for class certification **SHALL** be filed no later than **April 7, 2023**. Opposition to
24 the motion **SHALL** be filed no later than **June 9, 2023**. During the interval between the filing of the
25 motion and the deadline for the opposition, the Defendant may conduct discovery as to the evidence
26 relied upon by Plaintiff for the motion for class certification.

27 Neither the motion nor the opposition **SHALL** exceed 30 pages, exclusive of evidence and
28 evidentiary objections, unless leave is granted by the Court prior to the filing. Any reply **SHALL** be

1 filed no later than **July 11, 2023**, and shall not exceed 15 pages, exclusive of evidentiary objections.
2 During the interval between the filing of the opposition and the deadline for the reply, the Plaintiff
3 may conduct discovery as to the evidence relied upon by Defendant for the opposition to the motion
4 for class certification.

5 Any objections to the evidence **SHALL** be filed at the same time as the opposition (for
6 Defendant) and the reply (for Plaintiff).² A hard-copy, courtesy copy of all filings related to the
7 class motion **SHALL** be sent via overnight mail to the Chambers of Judge Thurston at the same
8 time the filing is submitted. All of the pages of evidence in the hard copy **SHALL** be numbered,
9 tabbed and indexed.

10 The hearing on the motion for class certification is set for **August 17, 2023** at 10:00 a.m.

11 **V. Settlement Conference**

12 If the parties believe the matter is in a settlement posture, the parties may submit a joint written
13 request for a settlement conference, at which time a conference will be set with the Court.

14 **VI. Compliance with Federal Procedure**

15 All counsel are expected to familiarize themselves with the Federal Rules of Civil Procedure
16 and the Local Rules of Practice of the Eastern District of California, and to keep abreast of any
17 amendments thereto. The Court must insist upon compliance with these Rules if it is to efficiently
18 handle its increasing case load and sanctions will be imposed for failure to follow both the Federal
19 Rules of Civil Procedure and the Local Rules of Practice for the Eastern District of California.

20 **VII. Effect of this Order**

21 The foregoing order represents the best estimate of the court and counsel as to the agenda most
22 suitable to dispose of this case. If the parties determine at any time that the schedule outlined in this
23 order cannot be met, counsel are ordered to notify the court immediately of that fact so that adjustments
24 may be made, either by stipulation or by subsequent status conference.

25 **The dates set in this order are firm and will not be modified absent a showing of good
26 cause even if the request to modify is made by stipulation. Stipulations extending the deadlines**

28 ² No motions to strike evidence will be entertained. If the Court sustains an objection to a piece of evidence,
the evidence will not be considered.

1 contained herein will not be considered unless they are accompanied by affidavits or declarations,
2 and where appropriate attached exhibits, which establish good cause for granting the relief
3 requested.

4 Failure to comply with this order may result in the imposition of sanctions.
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6 IT IS SO ORDERED.

7 Dated: November 23, 2021

/s/ **Jennifer L. Thurston**

8 CHIEF UNITED STATES MAGISTRATE JUDGE
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